

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                          4:10CR3109  
                                )  
v.                            )  
                                )  
MICHAEL LOUIS AVIDANO, )                          MEMORANDUM AND ORDER  
                                )  
Defendant.                 )  
                                )

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At the Defendant's oral request and with the parties' consent,

IT IS ORDERED:

- 1) The defendant's change of Plea Hearing is continued to January 14, 2011 at 1:00 p.m.
- 2) The ends of justice served by granting defendant's request to change the plea hearing outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).

DATED this 10<sup>th</sup> day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge